

August 3, 1998

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 3, 1998
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Administrative Assistant Linda E. Bratcher.

Mayor Tennyson called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell presented to Council the Comprehensive Work Plan for FY 98-99. Also, City Manager Ewell requested a closed session after the regular business of Council to discuss the purchase of property.

SUBJECT: CLOSED SESSION

MOTION by Council Member Larson seconded by Council Member Miller to go into closed session after the regular business of Council to discuss the purchase of property was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Members Burnette and Engelhard.

There were no priority items from the City Attorney and City Clerk.

Mayor Pro Tempore Clement recognized Boy Scout Troop 451 who were attending the meeting. Also, Mayor Pro Tempore Clement reminded his colleagues and the audience of "National Night Out" on Tuesday, August 4, 1998.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The Mayor informed the Council of the revised motion regarding Consent Item 22 "Resolution In Support of Naming a Portion of US 501 In Honor of Nello L. Teer." **[No items were pulled from the Consent Agenda]**

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:40 p.m.

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by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

[CONSENT AGENDA]

SUBJECT: POLICE PSYCHOLOGICAL SERVICES CONTRACT - CARY PSYCHOLOGICAL INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a five-year contract for Police psychological services with Cary Psychological, Inc. in the amount of \$42,050 per year was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, LOCAL LAW ENFORCEMENT BLOCK GRANT FOR FISCAL YEAR 1998-99

MOTION by Council Member Larson seconded by Council Member Miller to accept a grant from the U. S. Department of Justice in the amount of \$473,101 allocated to the City of Durham to reduce crime and improve public safety was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: HISPANIC OUTREACH INTERVENTION STRATEGY TEAM (HOIST) - GOVERNOR'S CRIME COMMISSION

MOTION by Council Member Larson seconded by Council Member Miller to accept second year funding in the amount of \$74,758 from the Governor's Crime Commission for the HOIST project; and

To adopt the "City of Durham and North Carolina Department of Crime Control and Public Safety/Governor's Crime Commission Grant Project Ordinance" was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley,

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Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

Ordinance #11548

SUBJECT: POLICE DEPARTMENT'S QUARTERLY STATUS REPORT AND CITY OF DURHAM'S SEVEN POINT CRIME REDUCTION INITIATIVE QUARTERLY REPORT

MOTION by Council Member Larson seconded by Council Member Miller to receive the Police Department's Quarterly Status Report and City of Durham's Seven Point Crime Reduction Initiative Quarterly Report was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: ZERO OPTION FOR HEALTH CARE

MOTION by Council Member Larson seconded by Council Member Miller to receive a report on the proposed change that will allow employees to select the option not to be covered by the City health care plan was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: UNISYS CLEARPATH SYSTEM CONTRACT, UNISYS CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a 59-month contract with Unisys Corporation to purchase the Unisys ClearPath System in the amount of approximately \$1,000,000, including finance charges, plus approximately \$9,000 per month for maintenance beginning with the 13th month; and to pay the Unisys Corporation interim licensing and maintenance charges for the existing A-11 System averaging approximately \$15,343 per month beginning from April 1, 1998 until the ClearPath System is accepted by the City (anticipated in December 1998); and

To find that standardization and compatibility are overriding considerations with respect to the purchase of the ClearPath System was approved at 7:40 p.m. by the following vote: Ayes:

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Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: SUBRECIPIENT AGREEMENT BETWEEN CONSUMER CREDIT COUNSELING SERVICE OF DURHAM AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Agreement with Consumer Credit Counseling Service of Durham in an amount of up to \$46,000 from Community Development Block Grant funds was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: AMENDMENT TO THE 1997-98 SUBRECIPIENT AGREEMENT BETWEEN THE DURHAM AFFORDABLE HOUSING COALITION AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a "Contract to Amend" the 1997-98 performance-based Subrecipient Agreement with the Durham Affordable Housing Coalition for the period July 1, 1998 until November 1, 1998 or until the new Housing Counselor is hired in an amount up to \$8,000 from General Funds was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: SUBRECIPIENT AGREEMENT BETWEEN THE DURHAM AFFORDABLE HOUSING COALITION AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a performance-based Subrecipient Agreement with the Durham Affordable Housing Coalition in an amount of up to \$200,000 from Community Development Block Grant and Non-City Agency funds was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

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**SUBJECT: EMERGENCY RELOCATION PROGRAM CONTRACT - OPERATION
BREAKTHROUGH, INC.**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Operation Breakthrough, Inc. in the amount of \$25,000, from Department of Housing and Community Development Demolition funding, to operate an Emergency Relocation Program for FY 1998-99 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: BOARD OF ADJUSTMENT APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Miller to appoint Corinne Mabry, Alternate Member on the Board of Adjustment, as a Regular Member to the Board for a term to expire June 30, 2001 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

Note: This action is in accordance with City Council action approved 4/6/98 which directs the City Clerk to bring attendance records for the Alternate Member currently serving on this Board to Council for selection of an immediate appointment when a vacancy occurs due to the resignation or expiration of term of a Regular Member.

SUBJECT: RECREATION ADVISORY COMMITTEE'S ANNUAL REPORT

MOTION by Council Member Larson seconded by Council Member Miller to receive the Recreation Advisory Committee's Annual Report was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: VOLUNTARY PETITIONS FOR ANNEXATION FOR FY99 - BARNYARD,

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BOULEVARD PROPERTIES AND RIDGEWOOD SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the three voluntary annexation petitions; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-31 and 160A-58; and

To adopt resolutions scheduling public hearings on Monday, August 17, 1998, 7:30 p.m. to consider the three petitions for annexation was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

Resolution #8482

Resolution #8483

Resolution #8484

SUBJECT: STATUS REPORT FROM THE ADMINISTRATION ON THE OLD NORTH DURHAM FIVE POINTS AREA

MOTION by Council Member Larson seconded by Council Member Miller to receive and accept the attached report from the Administration concerning the Old North Durham Five Points Area; and

To set public hearings on Monday, August 17, 1998 to receive citizens' comments on the following proposed ordinances was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

- a. "An Ordinance Amending the City Code of Durham to Prohibit the Possession of Open Containers of Beer and Unfortified Wine and Consumption of Beer and Unfortified Wine on City Streets"
- b. "An Ordinance Amending the City Code of Durham to Prohibit Public Urination and Defecation".

SUBJECT: PROPOSED ACQUISITIONS FOR THE GATTIS STREET REVITALIZATION PROJECT

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a. Acquisition of Property of George Barbee

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 809 Gattis Street, Tax Map 156-01-033, property of George Barbee, for \$34,000 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

b. Acquisition of Property of William A. Yates

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 812 Gattis Street, Tax Map 156-01-040, property of William A. Yates, for \$25,000 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

c. Acquisition of Property of Charles Lawson

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 817-819 Gattis Street, Tax Map 156-01-035, property of Charles Lawson, for \$34,000 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

d. Acquisition of Property of Jerry W. Fuquay

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 820, 822, 824, 826, 828, and 830 Gattis Street, Tax Map 156-01-037 and 038, property of Jerry W. Fuquay, for \$32,000 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

**SUBJECT: CONTRACT SR-19 - LEWIS STREET OUTFALL REHABILITATION
(PIPE REPLACEMENT AND POINT REPAIRS)**

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MOTION by Council Member Larson seconded by Council Member Miller to reject all bids received for Contract SR-19 and to re-advertise the project was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: CONTRACT ST-176, NELLO L. TEER COMPANY - STREET IMPROVEMENTS (NORTH)

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount of \$1,261,841.18 with Nello L. Teer Company for Contract ST-176; and

To authorize the expenditure of \$1,513,000 from the Street Paving Bond Account, \$65,000 from the Water Extensions and Improvements Account, and \$103,000 from the Sewer Extensions and Improvements Account was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: DRAINAGE PROJECTS ON PRIVATE PROPERTY

MOTION by Council Member Larson seconded by Council Member Miller to approve use of the alternate procedure for storm water repair or construction projects on private property where the estimated cost is less than \$30,000 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: STAFF REPORT - TRAFFIC CONCERNS AROUND C C SPAULDING SCHOOL

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Transportation Division concerning traffic matters around the C C Spaulding School was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin,

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Jacobs, Langley, Larson, McKissick and Miller. Noes: None.
Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: CONTRACT WITH NORTH CAROLINA CENTRAL UNIVERSITY FOR BUS SERVICES

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with North Carolina Central University to provide bus services in and around North Carolina Central University's campus was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: REFUND OF SEWER LATERAL CHARGE ON PROPERTY OF JOELL KOSTYU

MOTION by Council Member Larson seconded by Council Member Miller to direct the Administration to refund the sewer lateral charge of \$1,100 on property of Joell Kostyu located at 903 West Markham Avenue was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: RESOLUTION IN SUPPORT OF NAMING HIGHWAY US 501 FROM I-85 NORTH TO THE DURHAM CITY LIMITS IN HONOR OF NELLO L. TEER

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution in support of naming Highway (US 501) from I-85 north to the Durham City Limits in Honor of Nello L. Teer; and

To direct the City Clerk to forward this resolution to the Board of Transportation of the State of North Carolina was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

Resolution #8485

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[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: IMPACT FEE APPEAL - JOHN W. JOHNSON (QUASIJUDICIAL MATTER)

To receive information from staff regarding the impact fee appeal by John W. Johnson.

To conduct a hearing, review the evidence presented, and take action on the appeal.

To confirm the assessment of an impact fee and adopt the proposed decision regarding the retail business of John W. Johnson.

(Alternative Motion):

To direct staff to prepare a decision amending the impact fee assessment on the retail business of John W. Johnson based on the following findings:

- a.
- b.
- c.
- d.

It was noted that Mr. John W. Johnson was not present at the meeting.

MOTION by Council Member McKissick seconded by Council Member Jacobs to continue the public hearing on this matter until the August 17, 1998 City Council Meeting was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Members Burnette and Engelhard.

SUBJECT: AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE TO MODIFY THE STANDARDS FOR FLAG POLES AND DISPLAY OF FLAGS

To receive citizens comments concerning "An Ordinance to Amend the Durham Zoning Ordinance to Modify the Standards for Flag Poles and the Display of Flags."

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to

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Modify the Standards for Flag Poles and the Display of Flags."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

The following citizens spoke in opposition to the proposed ordinance: Chris Tiffany; Harry Dawley; Gregory Woodbury; C. W. Andrews; Les Dasch; Todd Strumke; Fred Knops; Walter Sams; Hugh Lecky and Rosemary Andrews.

Mayor Tennyson closed the public hearing.

A motion was made by Council Member McKissick to receive the citizens comments and to adopt an ordinance to modify the standards for flag poles and the display of flags. This motion was seconded by Council Member Cox.

A substitute motion was made by Mayor Pro Tempore Clement that flags be removed from the sign ordinance and that no restrictions as to the size of those flags would be sanctioned by the City of Durham. Motion failed due to the lack of a second.

Council Member Cox noted there were numerous cities in the State of North Carolina with populations over 100,000 that have some limits on the size of flags and he noted the proposed ordinance for Durham would be the most unrestrictive.

At this time, Paul Norby, of the City/County Planning Department, briefed council on the flag standards for the County of Durham.

Council Member Miller stated he would not be supporting a change to the current ordinance.

MOTION by Council Member McKissick seconded by Council Member Cox to receive citizens comments concerning "An Ordinance to Amend the Durham Zoning Ordinance to Modify the Standards for Flag Poles and the Display of Flags"; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Modify the Standards for Flag Poles and the Display of Flags" was approved at 8:30 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Burnette, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Member Miller. Absent: None.

Ordinance #11549

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At this time, Mayor Tennyson thanked Fire Chief Cooper for their work during the recent downtown fire.

SUBJECT: PASSENGER VEHICLES FOR HIRE (TAXICAB ORDINANCE)

To receive citizens' comments on a Draft "Passenger Vehicles for Hire" Ordinance.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Reyn Bowman, of the Durham Convention & Visitors Bureau, noted the proposed ordinance was a step in the right direction for Durham.

Mundi Affiah, a resident of Dearborn Drive, noted currently he was operating a cab in Cary. He stated he would like to serve the City of Durham.

Attorney Jack Markham, representing the Durham Taxicab Association, stated in the late 1980's, the Durham Taxicab Association began working with the City Attorney's Office, the Taxicab Inspector and an ad hoc subcommittee of city council members to review and revise the Taxicab ordinance. He noted over approximately the last 8 or 9 years, members of the Association, along with himself, have spent dozens of hours in meetings with city staff and council members concerning the ordinance.

Attorney Markham stated the Taxicab Association supported the proposed ordinance with the following exceptions:

1. Section 22-32(a) changes the City's practice from issuing operators permits on a permanent basis to issuing those same permits for a period of three (3) years. These permits have always been and should continue to be issued subject to the permit holder complying with the provisions of the ordinance. We have spoke in with Mr. Hal Morgan who is the Director of Membership Services with the International Taxicab and Livery Service, the nationwide organization which has provided information to the Durham Taxicab Association and the City of Durham on taxicab rates, operating costs, etc. and Mr. Morgan states that it is highly unusual for these permits to be issued on anything other than a permanent basis subject to on-going compliance by the operator with a municipality's ordinance and standards. To have the permits expire periodically, causes an operator to have a short term focus on his business rather than a long term focus. What does the City gain by having the permits expire periodically rather

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than being issued on a permanent basis?

2. It is our understanding that the Transportation Department will recommend that the unofficial cap on the number of operator's permits be deleted and that operator's permits be issued to any person or company who meets qualifications for a permit under the ordinance. It is my understanding that this is not a part of the revised ordinance, but would be a change in the city's unofficial policy which has controlled the number of permits for the past 30 to 40 years. We do not object to additional permits being issued and, in fact, would encourage the issuance of a block of new permits to a qualified single owner which could form a core group for second switchboard. However, to make the number of permits unlimited devalues all permits, increases regulation and enforcement duties for the City and invites chaos what is traditionally been a stable career oriented industry in Durham.
3. The current taxicab ordinance provides that all matters can be appealed to the City Council for an ultimate decision. The new ordinance provides that no matters are appealable to the City Council. We would prefer that any matters dealing with the revocation of an operator's permit or the suspension of an operator's permit for over 30 days or the revocation of a driver's permit or suspension of a driver's permit for more than 60 days be appealable to the City Council.
4. Section 22-37 provides that when an application for an operator's permit is denied that no re-application can be made within 3 three years. Section 22-61 provides that when an application for a driver's permit is denied, no re-application can be made within 5 years. These are very onerous time limits and one must wonder what purpose they serve. To allow someone to re-apply for an operator's permit or driver's permit does not mean that those permits will be automatically issued as the applicant must always meet the ordinance standards in order to be approved. These three-year/five-year re-application restrictions do not encourage rehabilitation or correction of deficiencies. Instead, they encourage a person simply to give up. Does the City have a similar standard if a person is turned down for a job with the City of Durham as a fireman or sanitation worker? Can that person not reapply within a certain period of time if they are denied? We suggest that an applicant either for a driver's permit or an operator's permit, be restricted from re-application within a year of denial.
5. Finally, we consider the restrictions in Sections 22-61 too

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restrictive. While it may be appropriate for there to be a 5 year waiting period for certain felonies, this section could be interpreted to prevent a person from getting a driver's permit within 5 years for underage possession of alcohol or misdemeanor possession of drugs. It would also prevent a person with one (1) DUI conviction from obtaining a driver's permit for almost four years after the Department of Motor Vehicles allows that person to resume driving. While we understand that the standards for taxicab drivers need to be higher than the standards for the general public, we do feel that these requirements are far too stringent. We would suggest three years for felonies, one year for misdemeanors and one year from the time the Department of Motor Vehicles reinstates a revoked or suspended driver's license.

Attorney Markham stated the revision of the draft dated August 3, 1998 addresses many of minor issues and they felt that most, if not all of these minor issues could be satisfactorily resolved prior to bringing the final ordinance to the City Council for adoption.

Kwakou Shakur, a Taxicab Driver, spoke in opposition to the "draft" ordinance. He stated it seems the city was trying to reduce cab drivers as self-employed personnel to semi-city employees. Mr. Shakur stated with the ordinance in its present form, would not improve taxi service in Durham.

Rex Odossia, a Taxicab Driver, spoke in support of lifting the cap on taxicabs in Durham.

Johnny White, Owner of Johnny's Taxi, stated he was concerned with the ordinance due to the lack of policing cabs coming into the area taking their business. He stated if the establishments in Durham do not call for their service, it was not accurate for the establishments to say that they were not providing good service.

Alfred Clark stated he was in support of the recommendation made by Attorney Markham regarding another switchboard with one company.

Alton Holloway, a Taxicab Driver, stated none of the previous taxicab ordinances were as restrictive as the proposed ordinance. Also, Mr. Holloway raised concern with the ordinance stating one could not appeal to the City Council.

Mayor Tennyson asked if there were other individuals present wanting to speak. The public hearing was declared closed.

Council Member McKissick thanked the citizens for their comments

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on the proposed draft of the taxicab ordinance.

Mayor Pro Tempore Clement asked that at the upcoming Taxicab Subcommittee Meeting the issue regarding out of town taxicab service in Durham County be discussed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on a Draft "Passenger Vehicles for Hire" Ordinance was approved at 9:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: TRAFFIC SIGNAL REQUEST - CORNWALLIS ROAD AND BEECHWOOD AVENUE

To receive a report from the Transportation Division concerning a request for a traffic signal at Cornwallis Road and Beechwood Avenue.

Note: At the Committee-of-the-Whole Meeting on Thursday, July 31, 1998, this matter was referred to the August 10, 1998 Public Works Committee Meeting.

SUBJECT: TRAFFIC SIGNAL REQUEST - FAYETTEVILLE STREET AND ELMIRA AVENUE

To receive a report from the Transportation Division concerning a request for a traffic signal at Fayetteville Street and Elmira Avenue.

Note: At the Committee-of-the-Whole Meeting on Thursday, July 31, 1998, this matter was referred to the August 10, 1998 Public Works Committee Meeting.

SUBJECT: CORNWALLIS ROAD/RIDDLE ROAD CONNECTOR

To set a public hearing on Monday, August 17, 1998 to consider an amendment to the "City of Durham Transportation Improvement Program Priority List 1999-2005", as adopted by City Council on October 6, 1997, to revise Priority 3. Cornwallis Road/Riddle Road Connector to read as follows: 3. Riddle Road--upgrade Riddle Road with curb and gutter facility from Fayetteville Street east to

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Ellis Road.

The following citizens spoke on this item:

Furney Brown, President of Emorywood Neighborhood Association, addressed council on the problems currently being experienced on Riddle Road between Fayetteville Street and Highway 55. Mr. Brown asked the council to make improvements to upgrade Riddle Road. He also stated he supported his neighbors who were opposing the Cornwallis Connector.

Melvin Riggs, a resident of Cana Street, stated he was in support of upgrading Riddle Road with curb and gutter; however, he spoke in opposition to the Cornwallis Road/Riddle Road Connector.

Reverend Lawrence Miller, a resident of Cana Street, spoke in opposition to the Cornwallis Road/Riddle Road Connector.

Dr. Lavonia Allison, a resident of McLaurin Avenue, spoke in support of improvements on Riddle Road. Dr. Allison requested that a public hearing not be scheduled on this matter and she asked the council to remove the Cornwallis/Riddle Road Connector from coming through their neighborhood. She noted that the Cornwallis/Riddle Road Connector would increase traffic; crime; and devaluation of properties.

George Quick, a resident of Elmira Avenue, requested that the Cornwallis/Riddle Road Connector be deleted from the TIP priority list.

Reddick Alexander, a resident of McLaurin Avenue, spoke in support of removing the Cornwallis/Riddle Road Connector from the list.

Carolyn Thornton, a resident of McLaurin Avenue, asked the council to delete the connector and to upgrade Riddle Road to accommodate the traffic. Ms. Thornton stated this matter does not require a public hearing to be held it only requires a decision from the City Council tonight. She reminded the council that a public hearing was not held in October of 1994 when the Cornwallis Road/Riddle Road Connector was moved from #17 to #3.

A motion was made by Council Member Miller to amend the "City of Durham Transportation Improvement Program Priority List of 1999-2005", as adopted by the City Council on October 6, 1997, to revise Priority 3 Cornwallis Road/Riddle Road Connector to read as follows: 3. Riddle Road--upgrade Riddle Road with curb and gutter facility from Fayetteville Street east to Ellis Road; and to direct the City Clerk to send a certified copy of the reordered priority list to the North Carolina Department of Transportation

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and to the Durham-Chapel Hill-Carrboro Transportation Advisory Committee. This motion was seconded by Council Member Cox.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Larson to set a public hearing on Monday, August 17, 1998 to consider an amendment to the "City of Durham Transportation Improvement Program Priority List 1999-2005", as adopted by City Council on October 6, 1997, to revise Priority 3. Cornwallis Road/Riddle Road Connector to read as follows: 3. Riddle Road--upgrade Riddle Road with curb and gutter facility from Fayetteville Street east to Ellis Road **FAILED** at 9:58 p.m. by the following vote: Ayes: Council Members McKissick, Larson and Blyth. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley and Miller. Absent: None.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Larson to refer this matter to the administration to identify sources of local funding for Riddle Road Upgrade **FAILED** at 10:01 p.m. by the following vote: Ayes: Council Members McKissick, Larson and Griffin. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Jacobs, Langley and Miller. Absent: None.

MOTION by Council Member Miller seconded by Council Member Cox to amend the "City of Durham Transportation Improvement Program Priority List of 1999-2005", as adopted by the City Council on October 6, 1997, to revise Priority 3 Cornwallis Road/Riddle Road Connector to read as follows: 3. Riddle Road--upgrade Riddle Road with curb and gutter facility from Fayetteville Street east to Ellis Road; and

To direct the City Clerk to send a certified copy of the reordered priority list to the North Carolina Department of Transportation and to the Durham-Chapel Hill-Carrboro Transportation Advisory Committee was approved at 10:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned into closed session.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk